

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Brett William John Marino,

Civil 11-2738 SRN/FLN

Plaintiff,

v.

O R D E R

Michael J. Astrue, Commissioner
of Social Security,

Defendant.

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Franklin L. Noel dated February 1, 2012, all the files and records, and no objections having been filed to said Report and Recommendation,

IT IS HEREBY ORDERED that:

1. Plaintiff's Motion for Summary Judgment (Doc. No. 23) **is DENIED**;
2. Defendant's Motion for Summary Judgment (Doc. No. 24) **is GRANTED**;
3. The Commissioner's decision is **AFFIRMED** and the case is **DISMISSED WITH PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

DATED: August 17, 2012.
at St. Paul, Minnesota

s/Susan Richard Nelson
SUSAN RICHARD NELSON
United States District Judge